

# OCRWM Bulletin

WM Record File

109

WM Project

Docket No.

DOE/RW-0118

PDR  
United States Department of Energy

Distribution: Office of Civilian Radioactive Waste Management  
Washington, DC 20585

REB MSB JGB CORRADO RDM  
JSL PSS JTG JOHNSON COPLAN  
(Return to WM, 623-SS) Boyle Kennedy

March 1987

## REVISED SCHEDULE FOR COMPREHENSIVE TRANSPORTATION PLAN

In *The Transportation Institutional Plan* published in August 1986, the Office of Civilian Radioactive Waste Management (OCRWM) stated its intent to integrate transportation planning documents through the development of a comprehensive transportation plan. A major step toward plan integration was expected to be accomplished in the Fall of 1987 with the release of the first iteration (in draft form) of a document reviewing institutional, business, and operational elements of the Nuclear Waste Policy Act of 1982 (NWPA) transportation program.

The release of the draft document has now been rescheduled for the Summer of 1988. This will enable OCRWM to provide more discussion of transportation operations than originally planned and to allow the review of scheduling assumptions for transportation activities and policy decisions. An OCRWM workshop to review the draft document (originally expected for the Fall of 1987) will also be rescheduled to conform to the document's new release date.

### Development of Comprehensive Plan

Under current planning, the draft comprehensive plan will address:

- institutional interactions and related planning principles contained in *The Transportation Institutional Plan* (DOE/RW-0094, August 1986);

- business activities related to cask equipment design and development, as discussed in *The Transportation Business Plan* (DOE/RW-0046, January 1986); and
- options for managing transportation activities and obtaining necessary transportation services and a preliminary definition of operational tasks and procedures that will be needed to complete NWPA shipments (e.g., personnel training, equipment maintenance, and traffic management).

By scheduling the issuance of the draft comprehensive plan in the Summer of 1988, OCRWM will be able to include detailed discussion of the results of a study of options for managing NWPA transportation operations. (OCRWM expects to have issued a 1-year contract by March 1987 for such a study.)

Management options for analysis include the use of a single, private industry, full-service contractor; the use of full-service regional contractors; specialized contractors for various transportation activities; and, if private industry is unwilling or unable to provide a full scope of transportation services, use of a Federal management system. The study of such management options is consistent with the NWPA directive to utilize (by contract) private industry to the greatest extent possible when conducting transportation activities.

OCRWM will ask for comments on the management options reviewed in the draft comprehensive plan and will address the comments and a preferred management configuration in the next iteration of the document.

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Published by the U.S. Department of Energy (DOE), Office of Civilian Radioactive Waste Management (OCRWM)

For further information about the national program or for copies of new publications and documents listed in the "OCRWM Bulletin" contact the U.S. Department of Energy, OCRWM, Office of Policy and Outreach, Mail Stop RW-40, 1000 Independence Avenue, SW, Washington, DC 20585 (202) 586-5722. The OCRWM Information Services Directory is available to provide sources of program information for the States, Indian Tribes, involved parties, and the public.

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## OCRWM Financial Assistance Guidelines Proposed Rulemaking

The purpose of the financial assistance program under the NWPA is to ensure that affected States and Indian Tribes have sufficient financial resources to participate in the radioactive waste program. Because their needs and plans may vary, financial assistance guidelines are being developed by OCRWM.

Copies of draft financial assistance guidelines were provided in the Fall of 1986 to the affected States and Indian Tribes and to other interested parties for review and comment. OCRWM has now distributed, for information and comment, the latest drafts of the financial assistance guidelines, Payments-Equal-to-Taxes (PETT) guidelines, and a document that responds to comments offered by the affected States and Indian Tribes on previous drafts of the financial assistance guidelines.

After receipt and consideration of comments on the latest drafts, OCRWM will initiate the development of a rulemaking related to the provision of financial assistance and PETT payments to affected States and Indian Tribes. As soon as practicable after consideration of State and Tribal comments, DOE will publish a Notice of Proposed Rulemaking in the *Federal Register*. Issuance of the proposed rules in the *Federal Register* will afford the broadest opportunity for public review and participation. The rulemaking will not be limited solely to the geologic repository program.

The proposed schedule for the rulemaking process is shown below.

Issue Notice of Proposed Rulemaking	—	June 1987
90-Day Public Comment Period	—	September 1987
Issue Final Rulemaking	—	December 1987

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## OCRWM Activities on Historic Preservation

### Requirements of the National Historic Preservation Act

The National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties. Agencies must afford the Advisory Council on Historic Preservation (the Council) an opportunity to comment on those undertakings before making any commitments that may irretrievably harm historic properties. The Council has published regulations (36 Code of Federal Regulations Part 800) intended to establish a review process to:

- identify historic properties within the area of an undertaking's potential effects and evaluate the significance of these properties;
- determine the effects of the undertaking on those properties;
- provide for consultation among the involved Federal agency, the State

Historic Preservation Officer, and others, when appropriate, to seek ways to avoid or reduce the effects on the historic properties;

- afford the Council an opportunity to comment on the undertaking; and
- proceed with the Federal agency's decision-making process. If the review process has resulted in a Programmatic Agreement (PA) acceptable to the Council, the agency proceeds with its proposed activity according to the terms of the PA.

### The Programmatic Agreement

The PA is a mechanism for satisfying the procedural requirements of the Council's regulations. It is an agreement developed by the agency and the Council designed to meet the specific needs of a large or ongoing agency program. DOE has been working with Council to develop PAs appropriate to the OCRWM program. The draft version includes the following major provisions:

- monitoring the PA (to be sure that the PA agreement is being satisfied and reports are transmitted to the appropriate parties);
- coordination (to contact and consult with appropriate Federal and State agencies, local Indian Tribes, and other parties expressing interest);
- worker education (to develop and implement a program for education in archeological and historic resources);
- research design (to develop and carry out a research design to guide archeological and historical surveys, data recovery and analysis during site characterization);
- survey and treatment of historic properties (to ensure completion of field surveys of historic properties);
- dispute resolution (to provide for resolution of disagreements by consultation or allowing the Council to comment as required by law); and

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## Revised Schedule for Comprehensive Transportation Plan

(continued from page 1)

Technical and institutional transportation scheduling assumptions will also be reviewed for consistency with overall program schedule projections contained in the recently released *Draft Mission Plan Amendment* (DOE/RW-0128, January 1987). Under the revised schedule outlined in the *Draft Mission Plan Amendment*, a first repository would begin operations in 2003 (originally scheduled for 1998), and a monitored retrievable storage facility, if authorized by Congress, would start operations in 1998 (previously scheduled for 1996).

The change in the scheduled release of the draft comprehensive document will also allow OCRWM to reevaluate NWPA transportation scheduling assumptions. A tentative schedule for OCRWM policy decisions related to transportation institutional issues appears in *The Transportation Institutional Plan*. Timing assumptions in the plan were established to support overall OCRWM program requirements. It was anticipated, however, that revision might be necessary to accommodate the planning requirements of other government entities and parties who are participating in the development of

the NWPA transportation program. Comments on the schedule were therefore requested and are now being received from States, Indian Tribes, local governments, utilities, and other interested parties. OCRWM will reevaluate the schedule in response to those comments.

### Interim Methods for Providing Transportation Information

While the release of the comprehensive transportation plan is delayed, OCRWM intends to provide interim guidance and information on NWPA transportation planning activities using several other initiatives.

First, the scope of future Transportation Coordination Group (TCG) meetings will expand to include substantive discussion of both technical and institutional issues. Meetings will include general updates on program activities and detailed presentations on current transportation studies and activities. Where interest warrants, opportunities may also be provided to representatives of the U.S. Department of Energy (DOE) repository Project Offices, States, Indian Tribes, electric utilities, and the transportation

industry to report on pertinent transportation activities. The second day of the TCG meeting will generally be devoted to workshops on specific transportation issues or topics. For information on the next TCG meeting, scheduled for April 28 and 29 in Salt Lake City, Utah, see *Other Program Items* on page 5.

As another important means for communicating program activities and developments, OCRWM plans to update and republish transportation discussion papers in the Fall of 1987. Detailed discussion papers were issued in an appendix to *The Transportation Institutional Plan* and addressed a variety of specific transportation issues, including routing, inspection and enforcement, emergency response, cask design and development, and operational procedures. The discussion papers will be revised to respond to many comments from parties having an interest in the NWPA program, to review transportation activities, and to note progress toward issue resolution.

Finally, the "OCRWM Bulletin" will continue to provide information on specific transportation activities and notice of availability of program documents. ☆

## Selected Events Calendar

- April 10-12 National Conference of State Legislatures, Stanford Court Hotel, San Francisco, CA. Contact L. Cheryl Runyon (303) 623-7800.
- April 21-22 Quality Assurance Coordinating Group Meeting, Washington, DC. Contact Carl Newton (202) 586-9300.
- April 28-29 Transportation Coordinating Group Meeting, Salt Lake City, UT. Contact Edwin Wilmot (202) 586-2837.
- May 5-7 Environmental Coordinating Group Meeting, Seattle, WA. Contact Jerry Parker (202) 586-5679.
- July 26-31 National Conference of State Legislatures, Annual Meeting, Indianapolis, IN. Contact L. Cheryl Runyon (303) 623-7800.

For details on DOE/NRC meetings call (1/800) 368-2235 for a recorded message. In the Washington, DC, area call 479-0487.

A telephone recording service has been established for the announcement of upcoming meetings related to the waste management program of the NRC. The number is (1/800) 368-5642, Ext. 79002. Washington, DC, area residents should call 427-9002.

For information on meetings and events occurring between issues of the "OCRWM Bulletin" use OCRWM INFOLINK, an electronic bulletin board that can be accessed through a standard computer communications capability on (202) 586-9359 or (202) 586-5406. The "OCRWM Bulletin" is now available through INFOLINK.

## OCRWM COORDINATING GROUPS

Excerpts from testimony of Ben C. Rusche, Director, OCRWM, before the Energy and Natural Resources Committee, U.S. Senate, February 5, 1987.

"There have been a number of actions outside consultation and cooperation negotiations which have been taken recently in response to recommendations by the States and Indian Tribes. For example:

- the participation by States and affected Indian Tribes in DOE coordinating groups and
- the expansion of the quarterly meetings with States and affected Indian Tribes for the public to attend.

"There are currently 12 coordinating groups:

- Site Characterization Plan Coordinating Group
- Geoscience Coordinating Group
- Repository Coordinating Group
- Waste Package Coordinating Group
- Performance Assessment Coordinating Group
- Licensing Coordinating Group
- Quality Assurance Coordinating Group
- Transportation Coordinating Group
- Institutional/Socioeconomic Coordinating Group
- Project Management Coordinating Group
- Information Resources Management Coordinating Group
- Environmental Coordinating Group

"The coordinating groups meet two to four times per year and provide a

forum for the discussion of common problems and their resolution. It is expected that additional coordinating groups will be established and that existing ones will be abolished as requirements and priorities change.

"Since Summer 1984, quarterly meetings have been held with States and affected Indian Tribes to discuss topics mutually agreed upon for the agenda. As a result of recommendations by the States and Indian Tribes, these meetings will now be open to the public.

"I mention these activities because I believe it is important to point out that while formal consultation and cooperation negotiations are only required to begin after a candidate repository site is approved for site characterization, consultation and cooperation is an everyday activity and responsibility—DOE's responsibility and the States' and Indian Tribes' responsibility—the responsibility of all the affected parties to consult and cooperate." ☆

## OCRWM Activities on Historic Preservation

(continued from page 2)

- professional qualifications (to require that historical or archeological work is done by qualified professionals).

The PA helps ensure that DOE can meet its responsibilities to consider and protect historic properties within the context of its ongoing program without causing unnecessary costs or delays.

### Status of Programmatic Agreements

Proposed drafts and negotiations on the content of the PAs have been under way for well over a year. It is currently planned that the PAs will be signed by the Council, State Historic Preservation Officers (see list below), and DOE Project Offices and Headquarters at about the following times:

<u>State</u>	<u>Date</u>
Texas	April 1987
Nevada	May 1987
Washington	August 1987

### State Historic Preservation Officers

<u>State</u>	<u>State Historic Preservation Officer</u>
Nevada	Roland Westergard, Division of Historic Preservation and Archeology, Department of Conservation and Natural Resources, Nye Building, Room 214, 201 South Fall Street, Carson City, NV 89710 (702) 885-4360.
Texas	Curtis Tunnell, Executive Director, Texas Historical Commission, Post Office Box 12276, Capitol Station, Austin, TX 78711 (512) 463-6100.
Washington	Jacob E. Thomas, Office of Archeology and Historic Preservation, 111 West 21 Street, KL-11, Olympia, WA 98504 (206) 753-4011. ☆

### Other Program Items

#### Request for Proposal Issued for Licensing Support System

On February 11, 1987, DOE issued a Request for Proposal (RFP) for the Design and Implementation of a Licensing Support System (LSS).

Obtaining the authorizations and licenses to construct, operate, and close a nuclear waste repository is a legal process during which DOE will be required to demonstrate compliance with applicable regulatory requirements under the NWPA.

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#### Meeting of Transportation Coordination Group

The Office of Storage and Transportation Systems (OSTS) will hold a TCG meeting in Salt Lake City, Utah, on April 28-29, 1987. Participation by States, Indian Tribes, utilities, and other interested parties is encouraged. The meeting will be held at the Salt Lake City Marriott (1/800) 531-0800. A block of rooms at the hotel is reserved and reservations may be made directly with the hotel by April 20. The first day of the TCG meeting will include a review of institutional and technical developments in the transportation program. The second day will consist of a workshop on computer models and data collection for future OSTS transportation-risk analyses. For additional information contact Susan Denny on (202) 586-2439. ☆

#### Notification of Intent to Issue a Request for Proposal, Systems Engineering and Development Contractor for First Geologic Repository Program

On February 13, 1987, DOE published in the *Commerce Business Daily*, the following announcement:

Friday, February 13, 1987  
Issue No. PSA-9276



# Commerce Business Daily

*A daily list of U.S. Government procurement invitations, contract awards, subcontracting leads, sales of surplus property and foreign business opportunities*

US Dept of Energy, Attn: First Geologic Repository Program, Document Control Specialist, PO Box 2500, Washington, DC 20013, 202/586-1236 (20585)

**A - SYSTEMS ENGINEERING AND DEVELOPMENT CONTRACTOR FOR FIRST-GEOLOGIC REPOSITORY PROGRAM.** This is notification of intent to issue a RFP in 60 days. The Office of Geologic Repositories (OGR) in the Office of Civilian Radioactive Waste Management (OCRWM), Department of Energy is responsible for siting, designing, obtaining a license for constructing and operating the first high-level nuclear waste repository. To accomplish these responsibilities for the first geologic repository program OGR requires a contractor that will be assigned contractual responsibility, subject to the government approval process associated with research and development contracting, for systems engineering, development and technical direction for the siting, designing and licensing requirements of the first geologic repository program, including integrating the results of state and Indian tribe consultations and the work of other program participants such as national laboratories, other Federal Agencies and DOE prime contractors conduct-

ing work in support of the program and its three sites. The contractor will be required to: 1) integrate the repository system within the overall OCRWM system and ensure that all repository system elements meet OGR engineering, project management, cost, schedule and quality requirements. 2) Provide technical direction to the site characterization program. 3) Provide system engineering and technical direction for the repository and waste package system, and the development and comparative evaluations of potential repository sites. Develop the waste package and repository license application designs for all three sites. 4) develop and propose licensing strategies and establish and maintain an implementation plan to coordinate and direct all licensing activities, including activities needed to satisfy quality assurance requirements leading to the production of a complete license application. 5) Prepare environmental reports containing the info necessary for development of the EIS to support the selection of a preferred site. Requests to obtain a copy of the RFP when available must be in writing. To allow for consultation and cooperation, the affected states and Indian tribes have been asked to give informal comments on the work proposed for this acquisition. (042) ☆

## Other Program Items

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### Request for Proposal Issued for Licensing Support System

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Participants involved in the legal process will need access to all documents showing the actual intent of the repository developers and that reveal the steps taken to ensure regulatory compliance. These documents include all materials that demonstrate how program decisions were made and carried out. Additionally, some work products other than documents must be available to support licensing activities. The LSS will provide the mechanism for storing and retrieving such non-document materials as well as document originals (or signed copies) needed to support repository licensing.

A Cost Plus Fixed Fee completion contract with a period of performance that will include a 30-month base period and a 12-month option period is contemplated. The RFP states that proposals are due no later than March 30, 1987, at 4:00 p.m., and that the place designated for receipt of proposals is Room 1J-005 in the Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585. DOE's designated point of contact for this RFP is Mr. Craig Frame at (202) 586-1044. ☆

### Quarterly Meeting with States and Indian Tribes

DOE's quarterly meeting with States and Indian Tribes was held on February 12 in Spokane, Washington, with approximately 80 persons in attendance. The meeting was open to the public. Of the 80 attendees, 36 were State and Indian Tribe representatives and 19 were DOE Headquarters and Program Office staff.

Items of interest included discussions of the coordinating groups being open to States and Indian Tribes, the Draft Mission Plan Amendment, the Licensing

Support System, transportation, grants, financial assistance guidelines, and site characterization plans. ☆

### Draft Mission Plan Amendment Comment Period

DOE is now preparing an amendment to the *Mission Plan for the Civilian Radioactive Waste Management Program* (see "OCRWM Bulletin," February 1987). The *Draft Mission Plan Amendment* has been submitted to the States, affected Indian Tribes, and Federal agencies for their review and comment. Comments must be received by DOE by April 3, 1987. After the comment period, DOE will revise the amendment as appropriate in response to the comments and formally submit the Mission Plan Amendment to Congress as provided for in Section 301 of the NWPA. ☆

### Advance Notice of Proposed Rulemaking to Modify Definition of High-Level Radioactive Wastes

On February 27, 1987, the Nuclear Regulatory Commission published an advance notice in the *Federal Register* (Vol. 52, No. 39, p. 5992) of its intention to modify the definition of high-level radioactive wastes in geologic repositories (10 Code of Federal Regulations Part 60). The purpose of the modification is to follow more closely the statutory definition in the NWPA.

Public comment on alternative approaches for developing a revised definition is solicited. The comment period expires April 20, 1987. ☆

### Status of OCRWM Litigation

*Guideline and Environmental Cases*  
Currently, 35 cases are pending before the U.S. Court of Appeals for the Ninth Circuit for review of DOE's actions and

decisions involving the NWPA siting guidelines and site selections. Eleven of these cases challenge aspects of the siting guidelines (guideline cases), and 24 cases challenge one or more of the May 28, 1986, decisions for the first and second repository programs (environmental assessment cases). Additionally, the States of Washington and Nevada have filed separate petitions in the Ninth Circuit for review of DOE's denial of the use of NWPA grant funds to seek judicial review of actions taken by the Secretary of Energy under the NWPA.

On March 4, 1987, the U.S. Court of Appeals denied motions filed by petitioners for discovery and appointment of a Special Master in the guideline and environmental assessment cases. Petitioners may, however, refile their motions at a later date after reviewing the materials made available by DOE. In addition, the Court denied DOE's motion to consolidate the guideline and environmental assessment cases and granted the motions for expedited briefing of the challenges to the second repository decision.

In the two cases involving the use of grant funds for litigation, all parties have filed merits briefs, and oral arguments were heard by the U.S. Court of Appeals on February 12, 1987. The parties now await final decision by the court.

### Monitored Retrievable Storage

On November 25, 1986, the U.S. Court of Appeals for the Sixth Circuit issued a decision in the case of the *State of Tennessee v. John Herrington, Secretary of Energy*. The Court ruled in favor of the Secretary. On January 5, 1987, the State of Tennessee requested a stay of the Court's mandate in order to prepare an appeal to the U.S. Supreme Court. On January 7, the Court of Appeals granted a stay for 30 days. On February 5, the State of Tennessee filed a *writ of certiorari* for review by the Supreme Court. As a result, the stay will continue in effect until final disposition by the Supreme Court. On March 4, DOE filed a brief in response. ☆

**Currently Scheduled OCRWM  
Short-Term Program Milestones**

- 4/87 Submit Annual Report to Congress
- 4/87 Submit Annual Fee Adequacy Report to Congress
- 6/87 Submit Mission Plan Amendment to Congress
- 6/87 Issue Final *Federal Register* Notice on Defense Waste Fee
- 7/87 Issue First Annual Capacity Report

**New Publications and Documents**

*Progress in Evaluation of Radionuclide Geochemical Information Developed by DOE High-Level Nuclear Waste Repository Site Projects*

NUREG/CR-4708 ORNL/TM-10147  
Vol. 1, No. 1

Information that is being developed by projects within DOE pertinent to the potential geochemical behavior of radionuclides at candidate sites for a high-level radioactive waste repository is being evaluated by the Oak Ridge National Laboratory for the Nuclear Regulatory Commission. This report contains information on samples from the Yucca Mountain, Nevada, site.

Single copies are available, to the extent of supply, upon written request to the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ☆

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